

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Jorge Martin HERRERA-Cardenas
(Name and Address of Defendant)

E-FILING

2008 APR 15 P 3 02

RICHARD W. WIEKING
CLERKCRIMINAL COMPLAINT
NO. DIST. OF CA. S.J.

08-70227

HRL

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, January 9, 2008, in San Benito County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, two (2) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release of one year.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

4/15/08

Date

at

San Jose, California

City and State

Howard R. Lloyd
United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

RE: HERRERA-Cardenas, Jorge A78 181 582

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

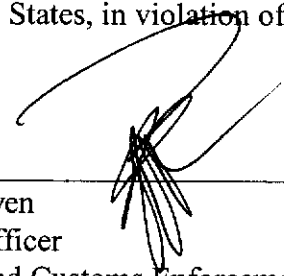
- (1) Mr. HERRERA-Cardenas is a 34-year-old male who has used nine (9) aliases and one (1) date of birth in the past.
- (2) Mr. HERRERA-Cardenas has been assigned two (2) Alien Registration numbers of A78 181 582 and A77 752 181, FBI number of 232895NB5, California Criminal Information Index number of A21552590, and a San Benito County Booking number 0700113258.
- (3) Mr. HERRERA-Cardenas is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
November 1, 2002	Nogales, AZ
December 15, 2005	Paso Del Norte, TX

- (4) Mr. HERRERA-Cardenas last entered the United States at or near El Paso, TX on or after December 15, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. HERRERA-Cardenas on a date unknown, but no later than January 9, 2008, in San Benito County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On March 18, 2008, Mr. HERRERA-Cardenas was interviewed by Immigration Enforcement Agent (IEA) Joshua Arambulo at the San Benito County Jail, Hollister, CA, and during that interview, Mr. HERRERA-Cardenas was advised of his **Miranda** rights in English. Mr. HERRERA-Cardenas waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: HERRERA-Cardenas, Jorge A78 181 582

- (6) Mr. HERRERA-Cardenas was, on June 22, 2000, convicted in the Superior Court of California, in and for the County of San Benito, for the offense of BATTERY, a misdemeanor, in violation of Section 242 of the California Penal Code, and was sentenced to ten (10) days in jail.
- (7) Mr. HERRERA-Cardenas was, on November 28, 2000, convicted in the State of Texas, in and for the County of El Paso, for the offense of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER, a misdemeanor, in violation of Section 22.01-P of the Texas Code, and was sentenced to sixty (60) days in jail.
- (8) Mr. HERRERA-Cardenas was, on August 26, 2005, convicted in the United States District Court, Western District of Texas, for the offense of ILLEGAL RE-ENTRY, in violation of Title 8 United States Code, Section 1326, and was sentenced to six (6) months in prison.
- (9) On the basis of the above information, there is probable cause to believe that Mr. HERRERA-Cardenas illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 15 day of April, 2008



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE